

2006 NOV -1 P 9 39

November 1, 2006

Hon. Steven W. Williams, Secretary  
Postal Rate Commission  
901 New York Avenue NW, Suite 200  
Washington, D.C. 20268-0001

Dear Mr. Williams:

In 1977, a Postal Rate Commission (PRC) Opinion and Recommended Decision, in Docket Nos. MC76-1 through 4, acknowledged the establishment of MAILGRAM as a service regulated by the Federal Communications Commission. The PRC's Opinion indicated that, as part of a settlement approved by the PRC, the Postal Service agreed to advise the PRC regarding any changes or additions to the Postal Service's agreements with Western Union governing MAILGRAM.<sup>1</sup> This is to inform the Commission that, pursuant to an agreement with Western Union Communications, Inc., dated August 17, 2006, the MAILGRAM service has been terminated.

I have enclosed a copy of the agreement with Western Union terminating the service. The termination was recently noticed in Postal Bulletin, PB 22192, at 5 (Oct. 26, 2006). I have also enclosed a copy of the Postal Bulletin notice.

Sincerely,



Daniel J. Foucheaux, Jr.  
Chief Counsel, Rates and Classifications

Enclosures

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<sup>1</sup> Opinion and Recommended Decision Concerning Stipulated Proposal for Express Mail and Mailgram, PRC Op. MC76-1, 2, 3, 4, at 3-4 (June 15, 1977).

## MAILGRAM AGREEMENT

### AMENDMENT NO. 13

This AMENDMENT is made by and between the UNITED STATES POSTAL SERVICE, an independent establishment of the executive branch of the Government of the United States, having its principal office at 475 L'Enfant Plaza, SW, Washington, DC, 20260 ("USPS") and WESTERN UNION COMMUNICATIONS, INC., having its principal office at 12500 East Belford Avenue, Englewood, CO 80112 ("WU").

WHEREAS, the USPS and WU, as successor in interest to The Western Union Telegraph Company, entered into an agreement dated January 3, 1976, which they have amended on March 2, 1979, July 27, 1979, November 30, 1979, February 28, 1981, August 5, 1981, September 16, 1983, December 19, 1983, January 25, 1984, December 18, 1984, September 12, 1991, June 1, 1993, and December 28, 1999 (as amended, the "Mailgram Agreement"); and

WHEREAS, the Mailgram Agreement was entered into based on the fundamental goal of coordinating the respective services of the nation's postal service and the nation's public telegraph system for the benefit of the general public, without either the intent or effect of discriminating unfairly or unreasonably against any private business; and

WHEREAS, Article 8 of the Mailgram Agreement, as amended by Amendment No. 12 (effective December 28, 1999), provides that the Mailgram Agreement will remain in effect until terminated by either party upon one years written notice; and

WHEREAS, the USPS and WU desire the Mailgram Agreement to terminate as of the date hereof.

NOW, THEREFORE, in consideration of the promises and mutual covenants and the warranties and representations contained herein and in the Mailgram Agreement, as amended, the USPS and WU do hereby agree as follows:

1. Article 1.A. (16) of the Mailgram Agreement, as amended by Amendment No. 1, is amended by deleting the current provision and substituting in its place the following:

"MAILGRAM Agreement" shall mean the Agreement entered into by the USPS and WU dated March 2, 1979, July 27, 1979, November 30, 1979, February 28, 1981, August 5, 1981, September 16, 1983, December 19, 1983, January 25, 1984, December 18, 1984, September 12, 1991, June 1, 1993, December 28, 1999, as amended hereby.

2. Article 8 of the Mailgram Agreement, as amended by Amendment No. 12, is amended by deleting the current provision and substituting in its place the following:

The Mailgram Agreement is hereby terminated by mutual agreement of the parties.



3. Pursuant to Article 5.E. of the Mailgram Agreement, the USPS shall pay WU the net amount remaining on deposit, after deduction of any Mailgram fees due to the USPS, of \$28,832.05. Such payment shall be sent no later than 30 days after the Effective Date of this Amendment, and shall be sent to the following address:

Western Union Communications, Inc.  
Attn: Stephanie Shine, VP Western Union Finance  
12500 East Belford Avenue, M22A1  
Englewood, Colorado 80112

4. Each party represents and warrants that it has the necessary rights and authority to enter into this Amendment No. 13.

5. WU and the USPS each, on behalf of themselves, their attorneys, agents, representatives, successors, heirs and assigns, and all other persons claiming by, through them, hereby release, acquit and forever discharge the other party and its respective subsidiaries, affiliates, stockholders, directors, officers, agents, employees, representatives, attorneys, successors and assigns, from any and all claims, liabilities, demands, actions, causes of action or any other right or asserted right to the payment of money or to the performance of any obligation (collectively, "Claims"), arising from or relating to the early termination of the Mailgram Agreement. WU and the USPS each represent and warrant that they have full authority to grant the release provided for herein, and that they have not sold, assigned, hypothecated, or otherwise encumbered any rights they might have to their right to settle and release the Claims as set forth in the Mailgram Agreement.

6. Execution This Amendment is executed in two counterparts, each of which shall be deemed to be an original. This Amendment shall be deemed to be executed on the later of the dates signed below. The signatures below constitute full acceptance of the terms and conditions set forth in this Agreement.

Western Union Communications, Inc.

By:   
Name: Mitch Lederman  
Title: Senior Vice President, Sales

Date: 8/17/06

The United States Postal Service

By:   
Name: Nicholas F. Barranca  
Title: Vice President, Product Development

Date: 8/17/06



HEALTH BENEFITS OPEN SEASON, SEE PAGE 16

# POSTAL BULLETIN

PUBLISHED WEEKLY, MAY 1, 1879

PB 22192, October 26, 2006

## PostalOne!®

The business mail management system  
that performs for you.

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12



UNITED STATES  
POSTAL SERVICE

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## CONTENTS

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|   |    |
|---|----|
| <b>USPSNEWS@WORK</b> .....  | 3  |
| <b>Administrative Services</b>  |    |
| ASM Revision: Mailgram Service Discontinued .....   | 5  |
| Directives and Forms Update .....   | 5  |
| Customer Relations  |    |
| Mail Alert .....  | 8  |
| <b>Domestic Mail</b>  |    |
| DMM Revision: New Mailing Standards for Sharps and Other Regulated Medical Waste Containers ..... | 9  |
| Marketing Matters — Facts at a Glance: Facts That Might Surprise You! .....                       | 12 |
| PostalOne! Is Teaming Up Online To Move Business Forward .....                                    | 12 |
| <b>Employees</b>  |    |
| Notice: Change in Vendors — Purchasing Cash Equivalent and Noncash Award Items .....              | 15 |
| Notice: Health Benefits Open Season .....   | 16 |
| Reminder: Office of Government Ethics Form 450 Filing Deadline is February 15, 2007 .....         | 17 |
| Notice: Penalty Overtime Exclusion .....  | 17 |
| Post Offices With Rural Delivery Service: Rural Carrier Guarantee Period .....                    | 18 |
| Field Information Kit: Shipment Confirmation Acceptance Notice (SCAN) .....                       | 19 |
| <b>Finance</b>  |    |
| Publication 32 Revision: Glossary of Postal Terms .....   | 25 |
| Notice: 2007 Social Security Medicare Tax Withholding ..  | 25 |
| Notice: Local Tax Code Information .....  | 25 |
| <b>International Mail</b>   |    |
| Global Express Guaranteed Service: Updated List of GXG Retail Locations .....                     | 28 |
| Postal Service Locations (by ZIP Code) That Sell/Service GXG — Effective October 26, 2006 .....   | 59 |
| <b>Licensing</b> .....  | 69 |
| <b>Philately</b>  |    |
| Stamp Announcement 06-43: Lady Liberty and U.S. Flag Stamp .....                                  | 70 |
| Correction: Pictorial Postmark Announcement .....   | 71 |
| Pictorial Postmarks Announcement .....  | 72 |
| Special Cancellation Die Hubs .....   | 75 |
| post offices  |    |
| Post Office Changes .....   | 77 |

|  |    |
|--|----|
| <b>Retail</b>  |    |
| New Management Instruction: Use of Retail and Cell-Phone Cameras .....                 | 79 |
| Notice: Product Identifiers Are on Blue .....  | 80 |
| Notice: USPS Shipping Assistant Version 3.0 to Have a Sharp New Look .....             | 80 |
| Publicity Kit: Retail Vending Equipment Program — Remove, Replenish, and Recycle ..... | 81 |
| <b>supply Management</b>   |    |
| ASM Revision: Commercial Vehicle Rentals Procedure Revision .....                      | 85 |
| Handbook AS.709 Revision: Commercial Vehicle Rentals Procedure Revision .....          | 86 |

## Pull-Out Section

|  |    |
|--|----|
| <b>Fraud Alert</b>   |    |
| Invalid Express Mail Corporate Account Numbers .....             | 31 |
| Missing, Lost, or Stolen U.S. Money Order Forms .....            | 34 |
| Missing, Lost, or Stolen Canadian Money Order Forms ..           | 39 |
| Verifying U.S. Postal Service Money Orders .....                 | 41 |
| Counterfeit Canadian Money Order Forms .....                     | 41 |
| Toll-Free Number Available to Verify Canadian Money Orders ..... | 41 |
| <b>Other Information</b>   |    |
| Overseas Military Mail, .....                                    | 42 |
| Federal Employees Health Benefits .....                          | 47 |
| New Federal Employees Dental and Vision Insurance Program .....  | 49 |
| Displaying the U.S. Flag and the POW-MIA Flag .....              | 51 |
| Missing Children Posters .....                                   | 53 |
| Notice to All Employees: Thrift Savings Plan Fact Sheet ..       | 57 |

## Postal Bulletin Index

Semiannual Index .....

PB 22184 (7-6-06)



**The *Postal Bulletin* is published biweekly; information is effective for 1 year unless it changes a permanent directive or unless otherwise specified.**



## Ordering Information: Following is the list of postal stock numbers (PSNs) to use when ordering copies of the *Postal Bulletin* from the MDC:

|                            |                            |                            |                            |
|----------------------------|----------------------------|----------------------------|----------------------------|
| PB 22192: 7690-08-000-4073 | PB 22184: 7690-08-000-4065 | PB 22176: 7690-08-000-4057 | PB 22168: 7690-08-000-1112 |
| PB 22191: 7690-08-000-4072 | PB 22163: 7690-08000-4084  | PB 22175: 7690-08-000-4056 | PB 22168A: 7690-08400-3530 |
| PB 22190: 7893-08-030-4071 | PB 22182: 7690-08-000-4083 | PB 22174: 7690-08-000-4055 | PB 22168: 7690-08-000-1111 |
| PB 22189: 7690-08-000-4070 | PB 22181: 7690-08-000-4082 | PB 22173: 7690-08-000-1116 | PB 22167: 7690-08-000-1110 |
| PB 22186: 7690-08-000-4069 | PB 22180: 7690-08-000-4081 | PB 22172: 7690-08-000-1115 | PB 22166: 7690-08-000-1109 |
| PB 22167: 7690-08-000-4068 | PB 22179: 7690-08-000-4060 | PB 22171: 7690-08-000-1114 | PB 22165: 7690-08-000-1108 |
| PB 22166: 7690-08-000-4067 | PB 22178: 7690-08-000-4059 | PB 22170: 7880-08-030-1113 | PB 22164: 7690-08-000-1107 |
| PB 22185: 7690-08-000-4066 | PB 22177: 7690-08-000-4058 |                            |                            |

# Administrative Services

## ASM REVISION

### Mailgram Service Discontinued

Effective immediately, Administrative Support Manual 13, July 1999, is revised to delete references to mailgram service, which was terminated on August 17, 2006, by mutual agreement between the Postal Service and Western Union because Western Union no longer issues telegrams.

#### Administrative *Support* Manual (ASM)

|  |                           |   |   |   |   |
|--|---------------------------|---|---|---|---|
|  | *                         | * | * | * | • |
| 2  | Audits and Investigations |   |   |   |   |
| 21   | General                   |   |   |   |   |
|  | •                         | • | * | * | • |
| 213  | Mail Covers               |   |   |   |   |
|  | *                         | * | * | • | • |
| 213.3  | Definitions               |   |   |   |   |
|  | *                         | • | • | * | * |
| [Delete words "mailgram messages" in last sentence of item c.] |                           |   |   |   |   |
|  | *                         | • | * | * | • |
| 27   | Security                  |   |   |   |   |
|  | *                         | • | • | * | • |
| 274  | Mail Security             |   |   |   |   |
|  | •                         | * | * | * | * |

### 2742 Opening, ~~Searching~~, and Reading Mail Generally Prohibited

• • \* \*

#### 274.23 Definitions

##### 274.231 Mail Sealed ~~Against~~ Inspection

\* • \* \*

[Delete words "Mailgram messages" in first sentence of item b.]

\* \* \* • \*

We will incorporate these revisions into the next printed edition of the ASM and into the next online update, available on the Postal Service PolicyNet Web site:

- Go to <http://blue.usps.gov>.
- Under "Essential Links" in the left-hand column, click on References.
  - a Under "References" in the right-hand column, under "Policies," click on PolicyNet.
  - a Click on Manuals, then click on ASM.

(The direct URL for the Postal Service PolicyNet Web site is <http://blue.usps.gov/cpim>.)

— Information Policies and Procedures, Public Affairs and Communications, 10-26-06

## Directives and Forms Update

Effective immediately, Publication 223, Directives and Forms Catalog (June 1999), is revised. The tables on pages 6–7 contain the Postal Service information number (PSIN), edition date, title, Postal Service stock number (PSN), and the Postal Service and public supply source for all new, revised, and obsolete directives and forms. Use

this article to keep Publication 223 current. Information on how to order directives and forms is available in chapter 1 of Publication 223.

Publication 223 is available electronically at [www.usps.com/cpim/ftp/pubs/pub223.pdf](http://www.usps.com/cpim/ftp/pubs/pub223.pdf).